

REMARKS

Claims 1-15 are pending in the application. Claims 1, 3-6, 8 and 12-15 have been amended and Claim 2 has been cancelled, leaving Claims 1 and 3-15 for consideration upon entry of the present Amendment. In addition, the Specification and Figures 4-5 have been amended. Applicants respectfully request reconsideration in view of the Amendment and Remarks submitted herewith.

Drawing Objections

The Examiner has objected to the drawings because there are present foreign language elements in Figures 4 and 5. Applicants have submitted corrected drawings in response to the Examiner's rejection. The corrected drawings have replaced the Japanese characters with their corresponding English translation. No new matter has been introduced as a result of this replacement. Accordingly, Applicants respectfully request that this objection be withdrawn.

Specification Objections

The Examiner has objected to the Specification because of two informalities. In response, Applicants have amended the Specification to address the Examiner's concerns. No new matter has been introduced as a result of these corrections. Accordingly, Applicants request that this objection be withdrawn.

Support for Amendment to Claims

All changes made to the claims are fully supported in the Specification and therefore, no new matter has been added by this amendment. Claims 1, 14 and 15 were amended to add limitations originally contained in cancelled Claim 2. In addition, the phrase "valuable information" was replaced in Claims 1, 14 and 15 with the phrase "value information" in response to an objection to original Claim 2 by the Examiner. Support for this substitution can be found in the Specification where "[v]aluable information is defined as information having some value for a subject in virtual space." (Specification; page 37, lines 20-21.) Similarly, Claims 3-5, 8 and 12 were amended to substitute the phrase "value information" for the phrase "valuable information." Therefore, the amendment to Claims 3-5, 8 and 12 are also fully supported in the Specification. Claims 1, 14 and 15 were also amended to include "value

information ... convertible to a real economical value of a real world." The Specification states that "valuable", or value "information and virtual currency are exchangeable with each other" and that "it is preferred that there be an exchange rate between virtual currency and real world currency so that they can be exchanged." (Specification; page 38, lines 7-8 and page 36, lines 1-3.) Therefore, the amendments to Claims 1 and 14-15 are fully supported in the Specification.

In addition, Claims 3-6 and 12 were amended to refer back to Claim 1 because Claim 2 was cancelled and therefore, no new matter was added by this change. Claim 6 was amended to initially define the abbreviation "ID" as "identification" in response to an objection by the Examiner. The Specification recites "ID data assigning means provides data to identify a subject in virtual space." (Specification; page 40, line 24 through page 41, line 2.) Therefore, this change is fully supported in the Specification and adds no new matter. Claim 13 was amended to correct a typographical error in response to the Examiner's objection and introduces no new matter. The preamble of Claim 15 was amended in response to the Examiner's rejection and contains no new matter. In summary, no new matter has been added by the amendments to the claims because all changes are fully supported in the Specification.

Claim Objections under 35 U.S.C. § 112

The Examiner has objected to Claims 6-9 and 13 because of various informalities. Specifically, the Examiner has objected to Claims 6-9 because the abbreviation "ID" is not initially defined. The Examiner has also objected to Claim 13 because of a misspelling of the word "reward." Applicants have amended Claims 6 and 13 in response to the Examiner's objections and request that the objection be withdrawn. In addition, because they depend from Claim 6, Applicants request that the objection to Claims 7-9 also be withdrawn.

The examiner has also objected to Claim 6 because "the recitation of 'subject' is vague and indefinite." Applicants respectfully disagree with the Examiner. "A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art." (MPEP; section 2173.01) Applicants have defined the term "subject" in the Specification and therefore the recitation of the term "subject" is not vague and indefinite as suggested by the Examiner. The Specification recites "an ID data assigning means to assign ID

data to the subjects exchanging the virtual currency in virtual space.” (Specification; page 40, lines 21-22.) The Specification further recites that an “ID data assigning means provides data to identify a subject in virtual space. The subject may be a natural human or body corporate.” (Specification; page 40 line 24 through page 41 line 3.) In addition, in another section, the Specification recites that the “subject identified by ID data to provide valuable information is defined as an entity capable of independent activities including an individual person or corporation.” (Specification; page 14, lines 6-8.) Therefore, because Applicants have defined the term “subject” in the Specification, the use of term “subject” in the claims is not vague and indefinite. Applicants request that the Examiner withdraws this objection to Claim 6.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected Claims 2 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 has been cancelled in this Amendment and limitations from Claim 2 have been added to Claim 1. Applicants have amended Claims 1 and 15 herein to address the Examiner’s concerns. Reconsideration and withdrawal of the rejection of Claim 15 under 35 U.S.C. § 112 is requested.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-5, 10-12 and 14-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitano et al (US 6,085,256) in view of Wong et al (US 5,913,203). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicants submit that Kitano in view of Wong does not teach all the elements of Applicants' claimed invention and that therefore Claims 1, 3-5, 10-12 and 14-15 are patentable over Kitano in view of Wong. Applicants submit that Kitano in view of Wong does not teach "a value information storing means for storing value information representing value produced in said virtual space and convertible to a real economical value of a real world" as recited in Applicants' amended Claim 1. In contrast, Kitano teaches a cyber space system for providing a virtual reality space formed of three dimensional pictures from a server to a user via a service provider. (Kitano; title.) Kitano describes the virtual reality space as "nothing but a game ... and holds substantially no connection with real life." (Kitano; col. 2, lines 15-17.) In addition, the objectives of Kitano are described as: "give an added value to the virtual reality space"; "to enable enjoyment of a varied life which is ... almost equivalent to real life"; and to effectively utilize the user terminals and to enable dynamic switching of the user interface. (Kitano; col. 2, lines 43-52.) Kitano is directed to enhancing a virtual reality space for a game, this is not the same as "storing value information ... convertible to a real economical value of a real world" as recited in Applicants' Claim 1. Wong does not cure these deficiencies in Kitano. Therefore, because Kitano in view of Wong does not teach every element of Applicants' claimed invention, Claim 1 is patentable over Kitano in view of Wong. Because they depend from Claim 1, Claims 3-12 are patentable for at least the same reasons that Claim 1 is patentable. Because they contain similar limitations, Claims 14 and 15 are also patentable over Kitano in view of Wong.

In addition, in reference to Claim 1, the Examiner suggests that Kitano teaches "value information ... convertible to a real economical value of a real world" with the "value produced in said virtual space" as recited in Applicants Claim 1. Applicants disagree that Kitano teaches this feature. In contrast, Kitano teaches that a kind of value system connected to the outside of the virtual space interfaces to the virtual system, but that it only provides a value addition from outside of the virtual space or from a virtual space owner outside of the virtual space. The economical connection between inside and outside of the virtual space enhances the reality of the virtual space. For example, Kitano discloses that the entrance fee of the cyber space is differentiated and may be paid in connection to the real world, however the rewards are items useful in the virtual reality such as picture information and audio information. (Kitano; col. 7, lines 38-46.) No one could live on such items but only use them for enjoyments. Providing a system to add better reality to the virtual system by making a connection to the outside world, as

taught by Kitano, is not the same as "value information ... convertible to a real economical value of a real world" with the "value produced in said virtual space" as recited in Applicants' Claim 1. The addition of Wong to Kitano does not cure these deficiencies. Because Kitano in view of Wong does not teach every element of Claim 1, is patentable over Kitano in view of Wong. Because they depend from Claim 1, Claims 3-12 are patentable for at least the same reasons that Claim 1 is patentable. Because they contain similar limitations, Claims 14 and 15 are also patentable over Kitano in view of Wong.

In addition, Claims 6-9 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitano et al (US 6,085,256) in view of Wong et al (US 5,913,203) as applied to Claims 1-5, 10-12 and 14-15, and further in view of Martinez et al (US 6,119,229). First, each of these Claims include the limitations described above and thus, for the reasons already explained above, claims 6-9 and 13 are allowable. In addition, in reference to Claim 13, the Examiner asserts that Martinez discloses "a reward for being restricted in said virtual space for a period of time" as recited in Claim 13. The first section of Martinez referred to by the Examiner, column 10, lines 12-39, does not teach a "reward" as stated by the Examiner. In contrast, the section of Martinez referred to by the Examiner describes Game Servers and Game Users and the types of trust relationships required between them. Further, the second section of Martinez referred to by the Examiner, column 1 line 65 through column 2 line 7, does not teach a "reward system that may be used in gaming" as suggested by the Examiner. In contrast, this section teaches the desirability of establishing features and limitations of ownership and property rights within an interactive game environment. Therefore, Martinez does not teach "a reward for being restricted in said virtual space for a period of time" as recited in Claim 13 and Claim 13 is patentable over Kitano in view of Wong and further in view of Martinez .

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Anne Davis Barry

Registration No. 47,408

CANTOR COLBURN LLP

55 Griffin Road South

Bloomfield, CT 06002

Telephone (860) 286-2929

Facsimile (860) 286-0115

Customer No. 23413

March 18, 2003